HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23664 OF 2006

Between:

M/s. Northern Power Distribution
Company of A.P Limited, Warangal,
Represented by its Chief General
Manager (Expenditure),
Sri M. Rajeshwar

…Petitioner

AND

State of Andhra Pradesh,
Rep., by its Principal Secretary-
Revenue Department, Secretariat Buildings,
Hyderabad and two others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri S. Krishna Murthy

Counsel for the Respondents : Government Pleader for

Commercial Taxes

11th December, 2006

Per G.S.SINGHVI, C.J.

In this petition, the petitioner has prayed for striking down Andhra Pradesh Tax on Entry of Goods into Local Areas Act, 2001 and show cause notice dated 10-10-2006 issued by Assistant Commissioner (Commercial Taxes), Int & LTU, Warangal Division, Warangal.

At the hearing, we enquired from Shri S. Krishna Murthy, learned advocate for the petitioner, whether the competent authority has made any assessment or created any liability against his client. In reply, Shri Krishna Murthy very fairly stated that so far the order of assessment has not been passed and the matter is only at the show cause notice stage. He then submitted that his client may be permitted to withdraw the writ petition at this stage with liberty to raise all legally permissible objections

against show cause notice dated 10-10-2006 and file fresh petition, if any such contingency arises.

Learned Government Pleader for Commercial Taxes says that he does not have any objection.

In view of the above, the writ petition is dismissed as withdrawn in terms of the prayer made.

While disposing of the writ petition in the manner indicated above, we accept the oral request made by the learned counsel and direct that if his client files reply within a period of seven days, the same shall be entertained and considered by the competent authority irrespective of the fact that the time specified in show cause notice has already expired.

As a sequel to dismissal of the writ petition as withdrawn, WPMP No.30170 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, C.J.

December 11, 2006

C.V. NAGARJUNA REDDYJ.

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